

2005 DRAFTING REQUEST

Bill

Received: **12/03/2004**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Zavos**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies: **mgd**

Submit via email: **YES**

Requester's email: **nicholas.zavos@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Legal firearms for hunting with shotguns

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	chanaman 01/28/2005	jdye 02/15/2005	pgreensl 02/15/2005	_____	sbasford 02/15/2005	sbasford 01/30/2006	

FE Sent For:

<END>

→ Not Needed

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for
Senate
per
Don
Dyke

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1/?	chanaman	1 2/15 jld	2/15 p8	2/15 scb			

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<END>

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: November 3, 2004

TO: Terry Anderson – Director, Legislative Council

FROM: Michael A. Lutz – LS/ - DNR

ML

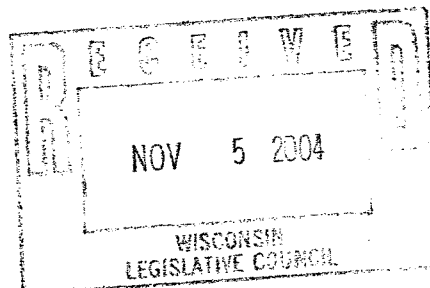
SUBJECT: Remedial Legislation Proposal-Legal Firearms for Hunting

Section 968.60, Stats., prohibits the possession of dangerous weapons ^{by} juveniles but exempts in section (3)(c) firearms having a barrel length of 12" or longer when used for hunting. However, s. 941.28(1)(b) and (d) which prohibit short barreled shotguns and rifles sets higher standards for what is a legal shotgun or rifle. The barrel length for a legal shotgun must be 18" and for a legal rifle must be 16".

The intent of s. 948.60(3)(c) seems to be to allow juvenile hunters to possess shotguns and rifles for the purpose of hunting. However, it should be amended to reference only those shotguns and rifles that are legal to possess. The exception should refer to a shotgun meeting the requirements of s. 941.28(1)(c) and to a rifle meeting the requirements of s. 941.28(1)(d), Stats. (b)

Cc : Tim Lawhern – LE/5
Tom VanHaren – LE/5
Rick Prosise – LS/5

Remedial legislation-legal firearm





State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1131/7

CMH:.....

jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

- 1 **AN ACT** ^{refer cat} **relating to:** [✓] possession of firearms by juveniles while hunting
2 (suggested as remedial legislation by the [✓] Department of Natural Resources).

Analysis by the Legislative Reference Bureau

In one provision in current law, a person under the age of 18[✓], who is in compliance with hunting laws, may possess or go armed with a firearm if the firearm barrel is at least 12 inches in length. The provision also permits an adult to sell, loan, or give a firearm to a person under the age of 18, who is in compliance with hunting laws, if the firearm barrel is at least 12 inches in length. However, current law prohibits a person from selling, offering to sell, transporting, purchasing, possessing, or going armed with a shotgun that has a barrel that is less than 18[✓] inches in length (short-barreled shotgun[✓]) or a rifle that has a barrel that is less than 16 inches in length (short-barreled rifle[✓]).

This bill permits a person under the age 18, who is in compliance with hunting laws, to possess or go armed with a firearm if the firearm is neither a short-barreled shotgun nor a short-barreled rifle. This bill also permits an adult to sell, loan, or give a firearm to a person under the age of 18, who is compliance with hunting laws, if the firearm is neither a short-barreled rifle nor a short-barreled shotgun.

For further information, see the NOTES[✓] provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Natural Resources[✓] and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

^X
SECTION 1. 948.60 (3) (c) of the statutes is amended to read:

948.60 (3) (c) This section ~~does not apply~~ applies only to a person under 18 years of age who possesses or is armed with a ~~firearm having a barrel 12 inches in length or longer and who is~~ rifle or a shotgun if the person is in violation of s.[✓]941.28 or is not in compliance with ss. 29.304 and 29.593. This section ~~does not apply~~ applies only to an adult who transfers a firearm ~~having a barrel 12 inches in length or longer to~~ a person under 18 years of age ~~who~~ if the person under 18[✓] years of age is not in compliance with ss. 29.304 and 29.593 ~~or~~ an adult who is in violation of s.[✓]941.28.

History: 1987 a. 332; 1991 a. 18, 139; 1993 a. 98; 1995 a. 27, 77; 1997 a. 248; 2001 a. 109.

(END)

to